

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

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UNITED STATES OF AMERICA,               )  
  )  
  vs.  ) CASE NO. 5:19-CR-149-2BO  
  )  
  )  
DANIEL N. KEMP, SR.,                    )  
  )  
  Defendant.                                )  
  )  
\_\_\_\_\_

WEDNESDAY, JULY 8, 2020  
SENTENCING HEARING  
HELD IN RALEIGH, NORTH CAROLINA  
BEFORE THE HONORABLE TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE

MICHELLE A. McGIRR, RPR, CRR, CRC, RMR  
Official Court Reporter  
United States District Court  
Raleigh, North Carolina

**APPEARANCES:**

On Behalf of the Government:

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On Behalf of the Defendant:

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USPO:

**MARY VANN ROBERSON**

(Wednesday, July 8, 2020)

## P R O C E E D I N G S

(Open Court at 10:14 a.m.)

THE COURT: Bring Daniel Kemp in.

MR. WILKINSON: Good morning, your Honor.

THE COURT: Good Morning.

(The defendant, Daniel N. Kemp, Sr., escorted into the courtroom at  
10:18 a.m.)

THE COURT: You're Daniel Kemp?

THE DEFENDANT: Yes, sir.

12 THE COURT: Do you want to say anything about your  
13 sentence or your case?

THE DEFENDANT: Yes, sir.

15 It's my fault. I'd like to apologize to Charles. I'd  
16 like to apologize to my wife, Shae, Mary, Sharie, Daniel, Carlene  
17 Darling, my other friends and family.

18                   Bad judgment. In a cycle of -- a never-ending, perpetual  
19 cycle of a strong desire to make amends. I want to make amends. I  
20 want to rectify, I want to fix things. There's a lot of  
21 self-loathing. Most times I hate myself. Rightfully so. On other  
22 occasions I pray for death.

23 Going back, trying to find a reason why I took actions  
24 that I took and I can't find them. I want to get my head fixed. I  
25 beg forgiveness. I humbly beg forgiveness from all who have been

1 affected and impacted by this. I beg for mercy from the Court and  
2 you, your Honor.

3 That's all I have to say, sir.

4 THE COURT: All right. Thank you.

5 His pre-sentence report has a Guideline of a 42,  
6 Category I, which is 360 months to life.

7 Do you have any objection to that as a Guideline?

8 MR. WILKINSON: Your Honor, we did raise one objection  
9 with respect to that. It would change the calculation to a 40, but  
10 still a Category I, and would result in a Guideline range of 24 to  
11 30 years.

12 As the Court is not bound by those advisory Guidelines, I  
13 think I can incorporate what I have to say about that objection in  
14 my general comments to the Court.

15 THE COURT: All right.

16 Does the Government agree that the report as presented is  
17 correct; that the offense level is a 42, Criminal History Category  
18 I?

19 MS. FOULON: Yes, your Honor.

20 THE COURT: All right. I so find and his Guideline range  
21 is 360 to life.

22 Now, to what extent is there victim participation in the  
23 case?

24 MS. FOULON: Yes, your Honor.

25 We have three victims here today with us. Two of the

1 three would like to read their victim impact statements and the  
2 additional, I believe four victim impact statements, will be read by  
3 myself, the Special Agent and the FBI Special Witness Coordinator.

4 THE COURT: All right. Well, go ahead and present it.  
5 How long is this going to take?

6 MS. FOULON: Approximately 15 minutes, your Honor.

7 THE COURT: Okay.

8 MS. FOULON: Thank you, your Honor.

9 The first victim impact statement will be read by myself  
10 and that is the victim impact statement of DKJ.

11 Judge Terrance Boyle, my name is DKJ. I wanted to let  
12 you know how what my parents have done have affected me. I find it  
13 hard to trust people or get close to people because of the abuse  
14 I've gone through. I can't say it's the only reason but it's part  
15 of the reason I became addicted to drugs and ended up in prison. I  
16 know it affected everyone differently. I know it broke my siblings  
17 down to where they were scared to do anything and I feel like they  
18 were sheltered because of it and held back -- and it held back  
19 growing like my brother, he's over 18 but mentally doesn't act his  
20 age. I don't know what you will do to them but because what I've  
21 been through I will never have contact with them again. I feel -- I  
22 fear for the safety of my sisters and brother. You should do what  
23 you feel is right so they will be safe.

24 The next one, your Honor, is from victim CK.

25 This is my victim letter. This is what I think about the

1 whole thing. I think that my father should spend the rest of his  
2 days and jail. I hate him for what he did to me everyday. He took  
3 everything from me. He hurt me so bad. I hate everything that he  
4 did to me. That is what I think about my dad and what should happen  
5 to him.

6 This is what I think about my mom and should happen to  
7 her. She beat me and yes she didn't really believe when I tried to  
8 tell her what he was trying to do and did nothing. I don't care if  
9 she gets out of jail or stays. I just want her to be able to get  
10 the medical care she needs. I just wish that I had told someone  
11 sooner about what was happening to me. That is what I think about  
12 this and how I feel about it.

13 The next one, your Honor, will be read by Special Agent  
14 Jessica Smeltz and it's the victim impact statement of victim SK.

15 SPECIAL AGENT SMELTZ: What happened. My parents were  
16 always very over protective. They never allowed us to go anywhere  
17 without them unless it was to school. My mother was very verbally,  
18 mentally and physically abusive. She always told me I was fat and  
19 would always be fat. She would force me to do exercise such as  
20 spend an hour on an exercise bike 2 times a day or run up and down  
21 the stairs for an hour. Even if I told her I was tired she would  
22 still force me to or I would get hit. She would make us come home  
23 from school and clean and cook dinner and if I didn't have time for  
24 my homework then it wouldn't get done and then would blame us for  
25 being lazy and not doing our school work and punish us for bad

1       grades.

2                     Her forms of punishment were terrible. She would make us  
3 stand against the wall on one foot for anywhere from 30 minutes to  
4 several hours. She would make us stay in the push-up position for  
5 the same amount of hours. She would take a wooden or plastic  
6 cooking spoon and hit us on our palms and our knuckles. She would  
7 spank us with a boat oar. She would smack us in the face. She hit  
8 us with fly swatters. She was more abusive when my dad was  
9 deployed.

10                  The abuse started almost immediately after the adoption.  
11 I remember living in New York and before she would feed us dinner we  
12 had to scrub the floors on our hands and knees with wash rags. It  
13 was only about 4-5 -- I was only about 4-5 years old at this time.  
14 Also making us cut the grass with scissors as punishment as well.

15                  The sexual abuse from my father didn't start until moving  
16 to TN. I was about 12 years old and just starting the 6th grade  
17 when we moved here.

18                  I was never allowed to hang out with friends outside of  
19 school. No birthday parties, no sleepovers, nothing. It took me  
20 awhile to understand why they kept us on such short leashes. They  
21 were afraid of people finding out what was happening behind closed  
22 doors.

23                  The sexual abuse started off as being passed as  
24 accidental touches of my breasts or butt. Then slowly graduated to  
25 making me sit on his lap and he would force my hand down his pants

1 or force his hands between my legs. He would press his penis  
2 against my butt when I would be sitting on his lap. He then would  
3 catch me in the garage while I'm doing laundry and would force me to  
4 perform oral sex on him even if I would tell him no. He would block  
5 the door so I could not leave and no one could come in. He would  
6 tell me if I ever told he would lie and say I was making everything  
7 up and no one would believe me. So I never told anyone. He would  
8 always walk in on me in the shower or changing. He also forced  
9 himself on me and would also rub his penis on my vagina.

10 I was under the impression he was only doing these things  
11 to me and as long as I allowed him to do these things to me that my  
12 siblings were safe from him and he would leave them alone.

13 This continued until I was about 16 and finally had  
14 enough and told him to stop and was able to get him to stop. It  
15 stopped but he started treating me very horribly. After a few  
16 months I walked into the garage and caught him doing the same thing  
17 to my sister MK. I pulled her aside and asked her about it and at  
18 first she denied it and then came to me hysterical and told me he  
19 made her perform oral sex on him and it wasn't the first time. She  
20 said she was scared to tell me because he had threatened her as  
21 well. So we had went to my mom and told her everything. I told her  
22 how he had done it to me for years. She got upset and asked him  
23 about it and he denied it all and said we were lying and would get  
24 very mean to us. She treated -- she threatened to leave him and he  
25 would get depressed and she would stay. Then a few months later he

1 would be back at it again.

2                   As soon as I turned 18 they kicked me out and told me I  
3 was a horrible child and a bad influence and was no longer around my  
4 siblings and they kept all the kids from having any contact with me.  
5 They told them I was a filthy whore and wouldn't amount to anything  
6 because I got pregnant at 19. I didn't talk to my siblings for at  
7 least 4 years.

8                   How it effected me. First of all I had no idea how to  
9 face the real world. It took a lot of work to be able to handle  
10 being on my own. A lot of things I had to learn quickly that I  
11 should have already known. After awhile they started contacting me  
12 asking about my son. They were very mad that I had a baby but  
13 wanted to buy him things so they would send him things or would send  
14 me money.

15                  My 22nd birthday they bought me a car because I was  
16 taking the bus everywhere. I had the car for almost 2 years when DK  
17 came forward and everything came out; my mom contacted me telling me  
18 she was lying and not to believe her. Then I came forward and stood  
19 by DK because I knew the truth. My entire family turned against me  
20 and DK and told us that we were lying and destroying our family and  
21 we were to be -- and we are to be blamed if my parents die or killed  
22 themselves. They stopped paying for my car so it was repossessed and I  
23 am now without a vehicle because it damaged my credit. They put me  
24 through a lot of emotional heartache for awhile telling me I was  
25 never a good daughter and that I am dead to them and that I am no

1 longer family to them.

2 My thoughts. I feel that they both deserve to be in jail  
3 for a long time. My mom did a lot of physical abuse that she should  
4 be punished for as well as knowing about the sexual abuse and doing  
5 absolutely nothing to stop it. And my dad deserves to stay there  
6 for all the years of sexual abuse and manipulation by both of them.  
7 I fear that if either of them are released they will come after me  
8 and my family and DK. They are very manipulative and they will see  
9 that they hurt us for hurting them. I hope they never get out so I  
10 know my family (i.e. my children and my husband) are safe from them.  
11 I do not feel comfortable with either of them being out and free.

12 MS. FOULON: The next victim impact statement is of TA  
13 and it will be read by FBI Victim Specialist Kory Williford.

14 FBI VICTIM SPECIALIST WILLIFORD: TA, victim impact  
15 statement.

16 Ladies and gentlemen of the court. I am writing this  
17 letter to explain how Dan and Shae Kemp destroyed my life. When  
18 they were my foster parents Dan repeatedly sexually abused me and  
19 his wife went out of her way to cover it up so they could prey on me  
20 and countless other children. They instilled fear in me by telling  
21 me stories about how many people Dan killed and how he was a trained  
22 killer and how easy it would be to track down my loved ones and kill  
23 them if I ever told anyone about what he did to me. Dan told me he  
24 would save me for last and explained how slow and painful my death  
25 would be. I have lived a life of fear, rage, distrust, flashbacks,

1 night terrors, pain and suffering.

2                   Because of the horrible disgusting vile things I survived  
3 I spent my whole childhood moving from foster home to foster home,  
4 in and out of psychiatric hospitals for children, from children's  
5 homes to group homes until I aged out at 21. I have attempted  
6 suicide over six times in my life because of the hell they both put  
7 me through. Even as an adult I had to be taught how to shop for  
8 food, how to pay bills, how to cook. Even now as a 30 year old  
9 adult I am barely standing on my own two feet.

10                  I will never fully be able to adjust and put that  
11 horrifying part of my life to rest. My hope is to one day find  
12 peace in my life. Every day is a struggle to learn basic life  
13 skills that every person needs to survive. After preying on  
14 children for over 20 years in multiple states you are finally facing  
15 justice.

16                  I want to ask the people of the court to try to put  
17 yourself in our shoes and try to feel the pain and torment that me  
18 and all the other survivors felt and still struggle with. Please  
19 make an example of that monster and let the sentence be a warning to  
20 anyone who would ever think about preying on a child that they will  
21 be dealt with and get the same punishment. We owe it to our  
22 children to protect them and not let history repeat itself and set  
23 an example that justice will always be served swiftly and severely.  
24 My hope is that one day no child will have to experience the hell  
25 that we have.

1                   THE COURT: All right. Thank you. Let me take a brief  
2 recess at this point and we'll resume with the evidence in about  
3 5 minutes.

4                   (Recess commencing at 10:32 a.m. and concluding at 10:36 a.m.)

5                   (Open Court at 10:36 a.m.)

6                   THE COURT: Do you have other victim witnesses?

7                   MS. FOULON: Yes, your Honor. Both are in person. Next  
8 would be CHK. He's coming in person.

9                   THE COURT: Thank you for being here today and you can  
10 make your statement.

11                  CHK: I'm Charles Kemp. As a child that was adopted by  
12 parents that committed such a terrible act of violence towards me, I  
13 believe some of the following things should be done.

14                  I think that my father should spend the rest of his life  
15 in prison. I believe that he should not be charged with just one  
16 count of rape knowing it happened to all my siblings. I believe he  
17 should then register as a sex offender and be treated as such.

18                  I believe that my mom should spend the required amount of  
19 time in jail due to all the physical abuse that she has caused to  
20 me. I believe she should not be let out easy. I do not wish  
21 anything bad on anyone but I do think that if you do the crime that  
22 you should do the time.

23                  THE COURT: Thank you.

24                  MS. FOULON: Next, your Honor, will be DK.

25                  THE COURT: Take your time and go ahead and say what you

1 would like to say.

2 DK: Hi, my name is DK. My assailters were Shanynn Kemp  
3 and my father, Daniel Kemp. My life turned for the worst when I was  
4 eight years old. When your virginity is taken by your own father it  
5 breaks you. Sorry. (Brief pause). To this day it still haunts me.  
6 It scares me that it will be affecting my relationship. My  
7 boyfriend is very supportive and it still worries me that I will  
8 scare him. For years I beatated myself up for it. Blaming myself.  
9 Even almost committed suicide twice.

10 Now, I know it wasn't my fault but even going to bed, I  
11 make sure that he's beside -- my boyfriend's beside me and I'm  
12 laying beside him; and he makes me happy, even though I know I'm  
13 about to fall asleep and have another nightmare. I know at the end  
14 of the day he will still be there and be the person that I wake up  
15 beside. And it comforts me and it's great that -- but I still have  
16 to deal with the past. And I wish it would go away.

17 A part of me wants to take everything in my childhood  
18 from that day forward back, but I can't. The other part of me wants  
19 to move forward and not have to remember all the things that  
20 happened to me, but, of course, I can't.

21 Like, I know what you're thinking. She's 21 and it's  
22 been a few years since this has happened, but it still affects me to  
23 this day. When I was raped by my own father, I couldn't trust the  
24 man ever again. It took me ten or more years to even trust. When I  
25 sat -- when I sat on my dad's lap, he held his hand and he would

1 find any ways to make just sitting on somebody's lap sexual. I know  
2 holding hands shouldn't even be remotely sexual, but he would find a  
3 way to make it sexual. When I would sit on my dad's lap, he would  
4 touch me in my female areas; and when I would hold his hands, he  
5 would do this thing where he would rub his thumb in the palm of my  
6 hand and tell me that it was meant that he wanted to have sex with  
7 me. And he would intentionally grab my hands to do this. I stopped  
8 trying to sit on his lap, but still be forced by my own mother.  
9 And, of course, it was always the same thing. He would always touch  
10 me. And you'd think someone would see this, but they either did or  
11 they didn't care. And my mother truly did not care.

12 I was with my boyfriend for years, but I couldn't even  
13 hold his hand due to this. I felt like I was stupid scared and even  
14 ashamed but I felt that I would never move past it. But he was very  
15 supportive and still tried to help me through it. To this day I  
16 still can't even touch my boyfriend's hand making sure it's him and  
17 smiling and make sure I remember that I'm not through that anymore.

18 I worry to even have people near me because I worry about  
19 what's going to happen. Even when in the shelter I had to go  
20 through, I had this lady who wanted me -- to take me shopping.  
21 Well, when I was with her she sat there and all she did was reach  
22 for my leg to just get my attention but because of my PTSD, I  
23 freaked out and we almost ended up in a car accident because of it.  
24 I'm sorry. (Brief pause).

25 It's even hard for me not to worry the kids spending time

1 with their father. My father made me worry about fathers and their  
2 kids and even if they're not like that at all, because a lot of  
3 people aren't, it's taken me awhile to be okay with my step kids  
4 even giving me hugs. There was times where they'd sit there and  
5 even just touch my shoulders or try to call me mom and I jumped. I  
6 would never want my kids in the position where they can't even hug  
7 me without shaking; but, of course, I have to deal with that because  
8 of the trauma. Thank goodness I ended up being comfortable with my  
9 kids hugging me; but to this day I can't be comfortable hugging me,  
10 shaking any hands or any form of physical touch.

11           My parents, they put me through hell. They sat there  
12 and -- I mean, like they said, like, we went through a lot of times  
13 where we couldn't even go out. I sat there -- my closest friends  
14 were literally at school.

15           My parents once sat there and since eight years old they  
16 would make me drink alcohol constantly. I would go to school drunk.  
17 I even have black outs for all my school years. I can't remember a  
18 single thing; and to have that all happen, it's horrible for a  
19 person because now days like -- to be able to even sit there and go  
20 through an adult life because I didn't know any better. Like, I  
21 burned down my house once by accident by making french fries and I  
22 didn't know about renters insurance and stuff like that so I had to  
23 deal with that. It's what they put me through, what they put  
24 everybody through, they really deserve to go to prison for the rest  
25 of their lives.

1           It's horrible to have to sit there and worry and  
2 constantly watch your back, to sit there and make sure that they're  
3 not around or nobody is going to hurt you or anything like that. I  
4 can't describe enough how this hurts. And to sit there and face  
5 this and have to see him, it's horrible. Because he -- I mean, he  
6 took my virginity when I was eight years old. The one thing a woman  
7 should never have to deal with. One thing a woman should always be  
8 able to keep sacred, I got that taken away from me. And to have to  
9 sit there and tell your mom and for her to brush it off and blame it  
10 on me that it happened. And every time it would happen, he'd sit  
11 there and threaten me and tell me that, you know, if I told anybody,  
12 you know, he would all brush it away and all sit there and blame it  
13 on me and everything like that.

14           And to have to deal with not being able to be in contact  
15 with people and have to sit there and always -- I locked my doors.  
16 Like, just freaking out, like, and nobody should ever have to go  
17 through that.

18           I really, really hope you put him for life and more. And  
19 I know he's my father, but what he did to me was so horrible. So I  
20 really hope you do put him away.

21           Thank you.

22           MS. FOULON: Those are all the victim impact statements,  
23 your Honor.

24           THE COURT: Do you want to say anything?

25           MR. WILKINSON: Your Honor, I would.

1           We filed a sentencing memorandum on July 1st. It's  
2 Docket Entry 108. I'm also asking the Court to consider imposing a  
3 variant sentence.

4           Your Honor, I don't intend to stand here and try to  
5 mitigate or excuse what Mr. Kemp did in this case. I also don't  
6 intend to speak against anyone, including the young people that are  
7 here today. One of the reasons that Mr. Kemp decided to plead  
8 guilty is so that his children would not suffer any further pain or  
9 abuse from him. Instead, I would like to speak on behalf of Mr.  
10 Kemp.

11          The Court may recall talking with Mr. Kemp at his  
12 arraignment. He has served in the United States Army for over half  
13 of his life as a transportation officer and achieved the rank of  
14 Chief Warrant Officer 4. The pre-sentence report generally notes  
15 that he is a highly decorated member of the United States Army; and  
16 while that's true, I would like to take just a few minutes and talk  
17 about some of his particular details of his service.

18          Again, he joined the Army in 1991. By September of 1999  
19 he had risen to the rank of a staff sergeant. 2001, a couple years  
20 later, he completed his drill sergeant course and was promoted to a  
21 drill sergeant.

22          In 2004, he received a Meritorious Service Award for  
23 exceptionally meritorious service as a drill sergeant. He was then  
24 promoted by 2005 to a Chief Warrant Officer 1. And his first  
25 evaluation as an officer, he was noted to be the top nobility

1       officer in the battalion and one of the best -- one of the  
2       battalion's best officers overall. In 2006 he was promoted to Chief  
3       Warrant Officer 2.

4                  In 2010, four years later, he was promoted to Chief  
5       Warrant Officer 3. In his evaluation in 2010 as Chief Warrant  
6       Officer 3, he was noted to be an outstanding leader, a role model, a  
7       coach and a mentor. A skillful professional, an expert in his  
8       field. His work ethic, exceptional leadership as well as his  
9       technical and tactical acumen provide a capability that far  
10      surpasses his grade.

11                 In May 2012, at that point Colonel Michael Peterman did  
12      his evaluation. He wrote that, quote, Danny is the most tactically  
13      and technically proficient warrant officer that I have worked with  
14      during my 19 years in the Army and that he is among the top  
15      5 percent of all warrant officers I've ever served with.

16                 In May of 2013, at that point Colonel Charles Hamilton  
17      was the supervising officer. In his evaluation report, he noted  
18      that, Kemp is my number one of the 16 chief warrant officer 3s that  
19      I have ever senior rated. Superior performance by a dedicated  
20      professional and exceptional warrant officer.

21                 Also in 2013 Mr. Kemp received what's referred to as a  
22      Non-Article 5 NATO Medal for his service with the International  
23      Security Force, the Coalition Forces in Afghanistan. And then in  
24      December of 2013 Mr. Kemp received the Bronze Star medal for  
25      exceptionally meritorious service while serving in support of

1 Operation Enduring Freedom in Afghanistan.

2                   In January of 2014, the officer evaluation noted that he  
3 had been deployed to the Bagram Air Field Base in Afghanistan.  
4 Commander Hamilton -- Colonel Hamilton noted that he had superior  
5 performance in combat and that Kemp was number 2 of 45 warrant  
6 officers in the brigade and ranks in the top 5 percent of all  
7 warrant officers that I have served with in my 30-year career.

8                   In October of 2014 Mr. Kemp was promoted to the rank of  
9 Chief Warrant Officer.

10                  In June 2015, one of his final officer evaluations, it  
11 was noted that this incredible officer should be assigned to, quote,  
12 our most complex, multi-star strategic headquarters where he will  
13 serve with absolute distinction.

14                  Your Honor, in going through some of those awards -- and  
15 every officer evaluation that he received was essentially the  
16 same -- I made some passing reference to his deployment overseas.  
17 Throughout his 26 year career, he has had six deployments overseas.  
18 The first was in Haiti in 1994 and 1995. He had two deployments to  
19 South Korea in 2004/2005 for eight months and then for another  
20 17 months in 2010 to 2011.

21                  Your Honor, he's also had three tours of duty in combat  
22 zones, active war zones. The first was in Iraq in support of  
23 Operation Iraqi Freedom, from January of 2006 to October of 2006 so  
24 for over a period of nine months. He served in the combat zone. He  
25 served in Bagdad, Tikrit, Mosul, Ali Al Salem. While he was

1       stationed at Forward Base Speicher he lost two of his friends to  
2       mortar fire.

3                 He also had two tours into Afghanistan in support of  
4       Operation Enduring Freedom, the first in December of 2007 to  
5       January 2009 for 13 months.

6                 His second and final deployment into an active war zone  
7       was in May of 2013 to February of 2014 for 19 months. Again, he  
8       served at the forward base at Bagram, he served in Kabul, Kandahar,  
9       Jalalabad with the Coalition Forces.

10               He lost nearly 15 to 20 friends during that service.  
11       Nine of them in one crash of a helicopter from mortar fire.

12               Your Honor, Mr. Kemp has also been diagnosed with PTSD  
13       and anxiety. In 2017, through the VA at Fort Bragg, he began  
14       receiving treatment while he was in custody in June of 2017, but he  
15       would ask the Court to extend that so BOP is able to do so to  
16       continue to provide him treatment for his Post-Traumatic Stress  
17       Disorder.

18               He has been designated as 100 percent disabled by the  
19       U.S. Army, both physically and mentally. His physical abuse is his  
20       entire body from degenerative disease in his back, arthritis. Every  
21       joint and part of his body is disabled and, again, the diagnosis for  
22       PTSD and his anxiety.

23               Your Honor, the Government has said Mr. Kemp's service to  
24       his Army and country was quote, a sham, and that he only pretended  
25       to be an honorable soldier. While I disagree with that

1 characterization of his service, it is -- the principal reason is  
2 his length of his service and the places where he served.

3 I'm asking the Court to consider imposing a variant  
4 sentence, for the Court to exercise its statutory authority. Your  
5 Honor, we're not talking about a situation where Mr. Kemp is not  
6 going to prison for a long time. He won't be a concern to the  
7 people that have spoken in this courtroom for obviously a very long  
8 period of time. I'm asking the Court though to impose a variant  
9 sentence from what is presently the advice of the Guidelines of 30  
10 years to life.

11 I'd ask the Court to take into account Mr. Kemp's  
12 lifetime of service to the Army and to the United States and  
13 especially under the conditions which he served, being in those  
14 active war zones.

15 Your Honor, also in consideration of -- Mr. Kemp is  
16 presently 50 years old, but in consideration of his age, given  
17 whatever sentence the Court imposes, but to keep that in mind in  
18 imposing a sentence that the Court considers sufficient but not  
19 greater than necessary.

20 Thank you, your Honor.

21 THE COURT: All right. Thank you.

22 I'll hear from the Government.

23 MS. FOULON: Thank you, your Honor.

24 The defendant stood before this Court and said he had bad  
25 judgment. Bad judgment for sexually and physically abusing children

1 since the 1990s. That's not bad judgment. Bad judgment is when you  
2 run through a stop sign. Those were intentional acts. He  
3 intentionally tortured children for almost 25 some years.

4 The defendant is asking this Court to focus on his  
5 military career as a mitigator in this case, but the truth is there  
6 was nothing honorable about his service. He used his military  
7 service to get away with what he was doing behind closed doors and I  
8 know that personally as the first six years of my prosecuting career  
9 was served in the United States Air Force. I know how easy it is  
10 for military families because they move every two years. They don't  
11 make ties in the local community. Many of them home school their  
12 children. It is easy to keep children behind closed doors and to  
13 keep them quiet and that's exactly what the defendant did in this  
14 case and that's how he used his military service. He used it as a  
15 means to cover up what was going on and it should not be considered  
16 for a variance in this case, your Honor.

17 The defendant and his wife, since the beginning of his  
18 military career, started fostering children. Children in the foster  
19 care system -- children, in general are vulnerable, but those in the  
20 foster care system are extra vulnerable and those are the children  
21 that they selected to prey on. They fostered countless kids. And  
22 then they decided on one day to adopt six of them and then raise  
23 those six kids in a house of horrors.

24 And inside that house every single day they sexually  
25 abused the children, they physically abused the children; and the

1 wife, she covered it up.

2                 Luckily in 2016, the Kemps allowed the two youngest of  
3 the six to attend a public school in Cameron, North Carolina. And  
4 thank God for that. Because one of those two, the last victim to  
5 stand in front of you today, she was brave. And she went to school  
6 one day and she told a teacher about what was going on and had been  
7 going on in the home for years. And she spoke up. And but for her  
8 being brave and her voice at school that day, we would not be  
9 standing here. Those children would still be living in the house of  
10 horrors with the defendant sitting in front of this Court.

11                 The sexual abuse the victims suffered, it was extreme.  
12 I've done this work a long time and as you have, your Honor, and you  
13 see a scale of sexual abuse and on -- sometimes on the left side of  
14 the scale people expose themselves, they touch a child, but on the  
15 other end you have adults who are forcing sexual acts on children --  
16 forcibly raping little kids -- and that's what we have in this case.  
17 We are far off the right end of the scale.

18                 The defendant wants this Court to consider that he has  
19 PTSD. Let's consider the PTSD of the children. You heard the  
20 victim impact statement of TA. He has never lived a normal life.  
21 He has been in and out of psych wards for children since he was  
22 eight years old. The victims in this case will suffer for the rest  
23 of their lives. The defendant's PTSD should not be taken into  
24 consideration.

25                 He threatened the kids. The kids didn't tell over time

1 for a variety of reasons, one of which he used threats and fear as a  
2 means of manipulation. I will kill you and I will kill your family.  
3 And vulnerable children believe in that.

4 He is an evil human being. He is a manipulator and he  
5 has sexually abused countless children. He is a predator, your  
6 Honor. And we just ask this Court, with the Guideline spanning  
7 through life, that you give him a life sentence; that that be  
8 something that these children can hold on to for the rest of their  
9 lives knowing that he will be behind bars.

10 Thank you.

11 THE COURT: I've listened to the arguments from the  
12 defendant and the plaintiff -- or the Government and considered the  
13 criteria set out in 3553(a) and the Supreme Court's guidance in  
14 factors that should be used in sentencing in Federal Court. I'll  
15 explain myself.

16 I find no sufficient ground upon which any variance can  
17 be based. The Guideline does capture the essential seriousness and  
18 profound injury of this case. The absolute building block of human  
19 life is the family. We're all born from a mother and born into a  
20 family. Whether it's a narrow family or expansive family, we're in  
21 a family and we're ultimately in the family of man. And to attack  
22 the essence of that by being a predator and using family as a  
23 vehicle for horrible manipulation and preying on the vulnerable and  
24 weak and innocent children is inexcusable and should be punished  
25 severely.

1           There are a lot of cases that come to this court and  
2 there are very few that are more severe in terms of the intentions  
3 that the defendant had, the pain, the suffering, the destruction  
4 that he carried out. There's absolutely no mitigation here at all.

5           His service record doesn't absolve him from the  
6 purposeful and long predatory conduct against his own children. And  
7 the idea that he became a foster parent in order to abuse children  
8 is a terrible factor.

9           Everything in this case calls out for a sentence at the  
10 high end and so I'll impose, on Count Eight, a sentence of life in  
11 prison and supervised release of life, although I have no reason to  
12 believe he'll ever be removed from prison.

13           He's not to violate any laws, if he's ever on supervised  
14 release, and pay a special assessment of \$100.

15           Anything else from the Government?

16           MS. FOULON: We would ask, your Honor, for a restitution  
17 hearing approximately 90 days out.

18           THE COURT: All right. We'll open the case for  
19 restitution at the appropriate time.

20           Thank you.

21           MR. WILKINSON: Your Honor, may I make one other request?

22           THE COURT: Yeah.

23           MR. WILKINSON: The majority of Mr. Kemp's family is in  
24 Texas. He would ask the Court recommend FCI Seagoville, which is  
25 S-E-A-G-O-V-I-L-L-E, in Seagoville, Texas.

1                   THE COURT: I'm not going to make a recommendation. I'm  
2 going to let the Bureau of Prisons do an evaluation of him and put  
3 him where they think he ought to be in terms of his crime.

4                   PROBATION OFFICER VANN ROBERSON: Your Honor, would the  
5 Court consider imposing the requirement that he register as a sex  
6 offender?

7                   THE COURT: Yes. If he's ever released, he has to  
8 register as a sexual offender.

9                   We'll take a recess and resume with the next case.

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12                   (Hearing concluding at 11:04 a.m.)  
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1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF NORTH CAROLINA  
3

4                   CERTIFICATE OF OFFICIAL REPORTER  
5

6                   I, Michelle A. McGirr, RPR, CRR, CRC, Federal  
7                   Official Court Reporter, in and for the United States District Court  
8                   for the Eastern District of North Carolina, do hereby certify that  
9                   pursuant to Section 753, Title 28, United States Code, that the  
10                  foregoing is a true and accurate transcript of my stenographically  
11                  reported proceedings held in the above-entitled matter and that the  
12                  transcript page format is in conformance with the regulations of the  
13                  Judicial Conference of the United States.

14  
15                  Dated this 9th day of June, 2021  
16

17                  /s/ Michelle A. McGirr  
18                  MICHELLE A. McGIRR  
19                  RPR, CRR, CRC  
20                  U.S. Official Court Reporter  
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